



CHARTER REVIEW COMMITTEE

RECOMMENDATIONS

TO THE

BOARD OF SUPERVISORS

JANUARY, 1964

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**RECOMMENDATIONS OF THE
CHARTER REVIEW COMMITTEE**

**PRESENTED TO
THE BOARD OF SUPERVISORS
OF ALAMEDA COUNTY**

**KENT D. PURSEL, Chairman
4th District**

**JOHN D. MURPHY
1st District**

**LELAND W. SWEENEY
3rd District**

**ROBERT E. HANNON
2nd District**

**EMANUEL P. RAZETO
5th District**

JANUARY, 1964

COUNTY OF ALAMEDA

CHARTER REVIEW COMMITTEE

COURTHOUSE, 1225 FALLON STREET — OAKLAND 12, CALIFORNIA

January 21, 1964



The Honorable Board of Supervisors
County of Alameda
Courthouse
Oakland, California

Gentlemen:

The Charter Review Committee was created by the action of your Honorable Board in adopting Resolution Nos. 102042 and 102130 on November 1 and November 7, 1962, respectively. The terms of the resolutions charge the Committee with the responsibility of reviewing the Alameda County Charter and of recommending amendments thereto for the Board's consideration.

In order to insure a cross section of community backgrounds and interests, the Board named to the Committee, 25 citizens representing the following categories: Business and Professions, Academic, Employee Representation, News Media, and Citizens-at-Large. The following is a list of Committee members, showing the geographic area in which they reside, their occupation or affiliation, and the member of the Board by whom they were appointed:

<u>Committee Member</u>	<u>Occupation or Affiliation</u>	<u>Appointed by</u>
Mrs. Alice Ainslow Alameda	Retired Journalist	Supervisor Sweeney
Miss Lucille Burke Oakland	Retired School Teacher	Supervisor Razeto
Mr. Peter Ceremello Oakland	Employee Representative	Supervisor Sweeney

<u>Committee Member</u>	<u>Occupation or Affiliation</u>	<u>Appointed by</u>
Mrs. Jean C. Conley Union City	School Principal	Supervisor Murphy
Mr. Fred A. Cutter Berkeley	President, Cutter Laboratories	Supervisor Pursel
Mr. William R. Delucchi Newark	Chemist	Supervisor Murphy
Mr. Frank A. DeMartini Oakland	Retired Teamsters Union Official	Supervisor Razeto
Dr. William C. Dickinson Livermore	Physicist	Supervisor Murphy
Mr. John B. Edmands Pleasanton	Publisher	Supervisor Murphy
Prof. O. F. Freitag Fremont	California State College, Hayward	Supervisor Dunn
Mr. Arthur B. Geen Oakland	Public Relations	Supervisor Razeto
Mr. William Jacobson Castro Valley	Building Contractor	Supervisor Dunn
Prof. Victor Jones Berkeley	University of California, Berkeley	Supervisor Pursel
Mrs. Daniel T. Moody Albany	Civic Leader	Supervisor Pursel
Capt. J. H. Reid Hayward	Real Estate Broker	Supervisor Dunn
Mr. John Slater Oakland	Employee Representative	Supervisor Pursel
Mrs. W. G. Vandenburg Fremont	League of Women Voters	Supervisor Murphy
Prof. Dwight Waldo Berkeley	University of California, Berkeley	Supervisor Razeto
Mr. David I. Wendel Piedmont	Attorney	Supervisor Razeto
Mr. William G. Werner Alameda	Retired Newspaperman	Supervisor Sweeney

<u>Committee Member</u>	<u>Occupation or Affiliation</u>	<u>Appointed by</u>
Mrs. Gerald Whitaker Berkeley	Civic Leader	Supervisor Pursel
Mr. Harry S. Whiteside Oakland	Employee Representative	Supervisor Dunn
Mr. Stanley D. Whitney Alameda	Attorney	Supervisor Sweeney
Mrs. Virgil W. Wiswell Oakland	Civic Leader	Supervisor Sweeney
Mrs. Effie B. Wood Castro Valley	Business and Professional Women's Club	Supervisor Dunn

The Committee, at its organizational meeting on November 8, 1962, elected Mr. David I. Wendel as the Committee Chairman, Mr. Stanley D. Whitney as Vice-Chairman, Mrs. Jean C. Conley as Committee Secretary, and Mrs. Hal Ainslow as Assistant Secretary.

At the first regular business meeting, held on November 29, the Committee members decided that for purposes of study, three subcommittees should be formed, each of which would consider in detail a separate portion of the Charter. The Committee then assigned specific Charter sections to these subcommittees as follows:

- SUBCOMMITTEE I - Sections 1 - 20, concerning the Board of Supervisors and County Officers
- SUBCOMMITTEE II - Sections 33 - 48, relative to Civil Service and Labor
- SUBCOMMITTEE III - Sections 21 - 32, 49 - 72, concerning Roads and Highways, Fiscal, and Miscellaneous

The Committee directed Chairman Wendel to appoint the subcommittees and in doing so to give consideration to their formation on a geographic basis, for the convenience of members in attending meetings. However, he was at the same time instructed to consider any expressed preference by members for assignment to a

particular subcommittee. The resultant subcommittee organization was:

SUBCOMMITTEE I (To study Board of Supervisors, County Officers)

Dr. William C. Dickinson - Chairman
Mrs. Jean C. Conley
 Mr. William R. Delucchi
 Mr. John B. Edmands

Mr. William Jacobson
 Mrs. W. G. Vandenburg
 Mrs. Effie B. Wood

SUBCOMMITTEE II (To study Civil Service and Labor sections)

Prof. Dwight Waldo - Chairman
Mrs. Alice Ainslow
 Miss Lucille Burke
 Mr. Peter Ceremello

Mr. Fred A. Cutter
 Mr. Frank DeMartini
 Mr. Arthur B. Geen
 Mr. John Slater

SUBCOMMITTEE III (To study Roads and Highways, Fiscal, and Miscellaneous)

Prof. O. F. Freitag - Chairman
Mrs. Daniel T. Moody
 Capt. J. H. Reid
 Mr. William G. Werner

Mrs. Gerald Whitaker
 Mr. Harry S. Whiteside
 Mr. Stanley D. Whitney
 Mrs. Virgil W. Wiswell

Prof. Victor Jones was not assigned to a standing subcommittee but was asked to serve "at large" and as editor of the final report.

The Committee subsequently created two Ad Hoc Subcommittees for the purpose of reviewing specific assignments, these being:

AD HOC SUBCOMMITTEE TO CONSIDER OFFICE OF COUNTY COUNSEL

Prof. Victor Jones - Chairman
Mrs. Alice Ainslow

Mrs. W. G. Vandenburg
 Mr. Stanley D. Whitney

AD HOC SUBCOMMITTEE TO REVIEW COMPENSATION OF BOARD OF SUPERVISORS

Mr. John Slater - Chairman
Mrs. Jean C. Conley

Mr. William G. Werner

Each subcommittee, after a complete review and analysis of assigned sections, including communications, reports, and statements relative thereto, made such reports and recommendations to the full Committee as it considered appropriate. The

subcommittee reports were reproduced and made available to the entire committee membership before being discussed at the meetings of the full Committee. All such reports have been included, as originally submitted, in the Appendix to this report. During discussions at the full committee level, amendments could be, and often were introduced by other committee members.

It was the desire of the Committee that only those recommendations having very substantial support of the full Committee, should be recommended to the Board of Supervisors. This resulted in the adoption of the following voting formula:

Recommendations for Charter amendments are approved if two-thirds of the members present and voting shall vote in favor thereof, but in no case shall it be required that the affirmative vote be greater than thirteen votes, providing, however, that no less than a majority of the total Committee membership plus one shall be present.

The Committee prepared for its task by reviewing the work of charter study committees in other counties and by comparing the Alameda County Charter provisions with pertinent provisions of all other California county charters. A comparison chart was prepared by the County Administrator's office for the latter purpose. (See pocket in the back cover of Appendix.) The Committee also considered the relationship of the Charter's provisions with the State Constitution and with general law provisions. A total of fifteen meetings of the full Committee were held, and there were approximately 50 subcommittee meetings during which scores of County officials and other informed individuals were interviewed.

Steps were taken by the Committee to solicit ideas and suggestions from all interested residents of the County, first, by letters from the Chairman inviting comments from twenty-six labor, professional, and civic organizations, and, secondly, by letters to thirty-one Bay Area newspapers asking for their cooperation in publicizing the Committee's activities and in encouraging the general public to submit

suggestions. The Appendix to this report contains copies of the communications received from interested parties, concerning amendments to the Charter.

With respect to the administrative, technical, and legal aspects of its duties, the Committee was assisted by, and wishes to express its gratefulness for the able, loyal, and devoted service of the following:

Mr. J. A. Lewis from the office of the District Attorney,
Mr. J. F. Coakley;

Mr. Porter Baker and Mr. Lawrence Townsend from the office
of the County Administrator, Mr. Earl R. Strathman;

Mrs. Virginia Mathews from the office of the Board of
Supervisors;

Mr. Frank Marini from the Institute of Governmental Studies,
University of California.

Early in its deliberations, the Committee recognized that its studies were being conducted against a background of great change in Alameda County, the Bay Area, and the State of California. Nearly four decades separate the preparation of the Charter by the Board of Freeholders and its present study by the Charter Review Committee. The changes which have occurred during that period raise questions as to the ability of the County to provide, with optimum efficiency and effectiveness, the required county-wide services; to establish and maintain control over the physical development of the unincorporated areas of the County; and to collaborate with other Bay Area counties, municipalities, special districts, and state and federal agencies in planning, formulating, and administering important public policies. It should be added, that while the County is not a "mere agent of the State," it retains its traditional and increasingly significant role as local administrator of state and federal programs, subsidies for which total nearly one-half of the County budget.

The differences between the County during the mid-twenties and today are striking. While the population was growing nearly 250%, from 400,000 to approximately 1,000,000⁽¹⁾, the extent, nature, types, and complexities of government functions were changing still more drastically. It must be remembered that in the mid-twenties, there was no planning agency, no public guardian, no uniform court system, no civil defense, no urban redevelopment program, no juvenile camps or homes. Metabolic research, reciprocal enforcement of support by absent fathers, crime laboratory, Sheriff's training academy, flood control, joint exercise of power, and human relations commission were unknown terms. At that time, there was scarcely a hint as to the direction major services such as health, welfare, medicine, and probation would take.

Although the 1926 Charter cannot in any sense be characterized as "horse and buggy," it was, significantly for comparison purposes, drawn up at a time when the salary ordinance actually made provision for paying \$6.00 a day for a "driver with 2 horses," \$9.00 a day for a "driver with 5 horses," and for the employment of 80 such teams.

Today there are 5,500 County employees; in 1926, there were about 1,300. The County budget during that same period has increased twenty-five fold. Today's services require the best in skills and training that the various vocational fields have to offer. The requirement for these skills and for a large and experienced work force goes beyond the need to meet the strictly County responsibilities; this is because, where the County is in the optimum position among local jurisdictions to provide specialized governmental services, it is often called upon to do so. This has given

(1) U. S. Census gives Alameda County's population as 344,177 in 1920 and 908,209 in 1960, a net growth during the forty years of 564,032. The population of the County as of July 1, 1963 was estimated by the State Department of Finance to be 978,600.

rise to an expanding field of contractual services for cities, the State and special districts. Among these functions are: numerous health programs, ranging from the enforcement of sanitation ordinances to the licensing of users of radio-isotopes; community projects; law enforcement; police communications; building inspection; cerebral palsy therapy; prisoner care; road maintenance; subdivision regulation; purchasing; and many more.

Included among the functions most affected by the changes during the past four decades, are those involving intergovernmental relationships such as in state and federally sponsored programs, the contractual services noted above, the Association of Bay Area Governments, Alameda County Mayors' Conference, and the Local Agency Formation Commission. Alameda County has an increasingly important role in intergovernmental relations dealing with regional planning, recreation, rapid transit, highway transportation, public health, air and water pollution control, and interagency social projects. Undoubtedly it will become a partner in developing and administering other such programs.

Thus, after considering the many changes which have taken place since 1926, and many others which may be anticipated in the near future, the Committee has made several rather bold and far-reaching recommendations to equip the County to meet its present and future responsibilities. It has also pointed out the sections of the Charter, which, if not actually in conflict with law or practice, are no longer required. The basic recommendations deal with the following:

BOARD OF SUPERVISORS. Among the Committee's concerns was the need to free the Board of Supervisors of routine, perfunctory activities competing for time which ought to be spent on program and policy development, planning, familiarization with operations, serving on commissions, coordination or participation in intergovern-

mental affairs, attracting industry, developing and influencing State legislation, and studying constituents' needs and expectations. The Committee recommendations are intended to provide new administrative tools, additional time, and a greater administrative flexibility with which the Board can meet the new and ever changing demands. Furthermore, the recommendations will give the Board better controls over departmental operations through an administrative structure that will eliminate all question as to which department head should be held responsible for which activity and as to over-all responsibility for coordination among departments. The Committee considered at length the previous, existing and future roles that the Board of Supervisors play in Alameda County government. One of the conclusions emanating from these investigations is the recommendation that the Charter specifically provide for the full time services of members of the Board of Supervisors and for a corresponding increase in their compensation. (Refer to page 2)

PLANNING COMMISSION AND PLANNING DEPARTMENT. The Committee recommends that the Planning Commission be made a Charter agency, because of the importance of the planning function and the need to strengthen and clarify planning procedures and relationships. Furthermore, it is recommended that this Commission be made responsible for the enforcement of a long range plan for County development. Long range county land use and development plans, coordinated with municipal, regional, and state plans are of vital importance. Such long range plans cannot be made by a planning agency which is required to utilize its limited staff to handle day-to-day routine matters, important as they are, such as zoning adjustments and requests for variances. (Refer to page 42)

COMPENSATION. Under the present Charter, the Board of Supervisors does not have a free hand in establishing rates of compensation for boards and commissions. The

Committee recommends the elimination of such restrictions. As for the setting of salaries for the regular county employees, the Committee proposes a formula which will permit factors in addition to "prevailing wage" to be taken into consideration. This should be of great assistance to the Civil Service Commission and to the Board of Supervisors, in their efforts to attract qualified employees and administrators to serve our growing county. (Refer to pages 5, 57, and 67)

CERTAIN ELECTIVE OFFICERS TO BECOME APPOINTIVE. The Committee recommends that certain elective officials be made appointive, because of the administrative and technical aspects of their functions. Officials whose functions are primarily or traditionally policy or politically oriented, would remain elective. The latter would include the Assessor, Auditor-Controller, District Attorney, Sheriff, and members of the Board of Education. This means that the County Clerk-Recorder, Superintendent of Schools, Surveyor, and Treasurer-Tax Collector would become appointive officers. (Refer to page 12)

CONSOLIDATION OF PUBLIC WORKS AND SURVEYOR. The consolidation of the Public Works Department and the Surveyor's Office is included among the recommended changes which should strengthen County government as well as achieve economy in operations. (Refer to page 33)

BOARD OF SUPERVISORS TO APPOINT MANAGER. As is the practice in business corporations, and in many large cities, the Committee recommends that the Board direct the functions of the County through a Manager who would appoint and be held responsible for the activities of most department heads. (Refer to page 20)

COUNTY MANAGER'S APPOINTMENTS TO HAVE BOARD OF SUPERVISORS' APPROVAL. The Personnel Director and the Superintendent of Schools would be appointed by the Civil Service

Commission and Board of Education, respectively, and the Probation Officer would be appointed as provided in general law. Appointment of officers by the County Manager would be subject to approval of the Board of Supervisors. This proviso will insure that the appointment of a department head who is unsatisfactory to the Board could not be made by the Manager. (Refer to page 28)

COUNTY MANAGER DUTIES. The County Manager would be directly accountable to the Board for the quality and effectiveness of his administrative services. His specific duties under the proposed Charter amendment would include the preparation and administration of the annual budget; annual formulation of proposed programs, for the Board's consideration, of public works and services necessary to insure the growth and desired development of the County; recommendation to the Board of such measures and ordinances as may seem necessary; preparation of an administrative code; and performance of such other duties as the Board may require. (Refer to page 27)

POLITICAL ACTIVITIES OF EMPLOYEES. The matter of political activities by County employees was brought into sharp focus by the recent lower court decision which held the present Charter provision to be unconstitutional. The recommended change would allow employees to participate on their own time in non-county political activity. Such a policy is consistent with that of many governmental jurisdictions. The recommended changes seek also to prohibit undesirable political activities in County facilities on County time or directed toward County employees. (Refer to page 62)

VETERANS' PREFERENCE. The recommended changes in the veterans' preference provisions distinguish between promotional examinations and entrance examinations, and

between disabled and non-disabled veterans. The preferential credits to non-disabled veterans on promotional examinations would be reduced from the present five points to one point. However, the preferential credits to disabled veterans would be reduced only to three points. Preferential credits are increased for disabled veterans on entrance examinations from five points to ten points. No change is recommended in existing preferential credits of five points for non-disabled veterans on entrance examinations. The Committee recommendations on veterans' preference are believed to be acceptable to the numerous parties requesting amendment of the existing provisions. (Refer to page 59)

Details of the various recommendations, in Charter sequence, are presented on the following pages. Although the language in which some of the recommendations are phrased may appear to be specific, the Committee's objective is merely to express its intent. It is contemplated that the District Attorney's office would be requested to draft, in appropriate form, any recommendation which the Board submits to the electorate. The principal arguments underlying the Committee's action in each instance are also noted.

The Appendix to this report contains additional comments, including both pro and con aspects of the recommendations. The Appendix has been prepared as a separate document, to include the minutes of the meetings, subcommittee reports, letters from interested citizens and groups, and supplementary information.

In conclusion, the Committee wishes to thank the Board of Supervisors for the privilege of serving it and the community. We wish also to thank the many witnesses who appeared before the Committee, and the public-spirited citizens who stepped forward to offer constructive suggestions for the improvement of this im-

portant document and the governmental processes and organization which it controls.

We urge that the Charter recommendations be placed on the ballot as soon as possible, preferably in November, 1964, for decision by the electorate.

Respectfully submitted,

ALAMEDA COUNTY CHARTER REVIEW COMMITTEE

Miss Lucille Burke
Mr. Peter Ceremello
Mr. Fred A. Cutter
Mr. William R. Delucchi
Mr. Frank DeMartini
Dr. William C. Dickinson
Mr. John B. Edmands
Prof. O. F. Freitag
Mr. Arthur B. Geen
Mr. William Jacobson
Prof. Victor Jones
Mrs. Daniel T. Moody
Capt. J. H. Reid
Mr. John Slater
Mrs. W. G. Vandenberg
Prof. Dwight Waldo
Mr. William G. Werner
Mrs. Gerald Whitaker
Mr. Harry S. Whiteside
Mrs. Virgil W. Wiswell
Mrs. Effie B. Wood

David I. Wendel
David I. Wendel, Chairman

Stanley D. Whitney
Stanley D. Whitney, Vice Chairman

Jean C. Conley
(Mrs.) Jean C. Conley, Secretary

(Mrs) Alice Ainslow
(Mrs.) Alice Ainslow, Assistant Secretary

RECOMMENDATIONS OF THE CHARTER REVIEW COMMITTEE

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LABOR

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COPY OF ALAMEDA COUNTY CHARTER - - - Inside Pocket of Rear Cover

RECOMMENDATIONS OF THE CHARTER REVIEW COMMITTEE

NAME AND RIGHTS OF THE COUNTY

- SECTION 1: No change recommended.
- SECTION 2: No change recommended.
- SECTION 3: No change recommended.

BOARD OF SUPERVISORS

COMPENSATION OF BOARD OF SUPERVISORS

• SECTION 4: AMEND by deleting the next to the last sentence thereof and substituting instead wording similar to the following:

Each member of the Board of Supervisors shall receive as compensation for his services a salary which shall be the same as that now or hereafter prescribed by law for a Judge of the Superior Court in and for the County of Alameda. They shall devote all of their time during business hours to the faithful service of the public. Notwithstanding any other provisions of this Charter, this amendment shall be operative within one year from its date of ratification.

Committee Vote: The first sentence of the above recommendation was approved by seventeen members voting in favor, three members opposing, with one member abstaining from the vote. The second sentence was approved as follows: sixteen members in favor, five members opposed. The third sentence was approved by fourteen members in favor with seven members opposing.

Summary of Reasons for Recommendation: The Committee believes that Alameda County, with a government of its size, complexity and growth, needs

Compensation of Board of Supervisors (Continued)

the services of full time leaders on the Board of Supervisors. In fact, the changes recommended in the Charter by this committee will make the position of County Supervisor even more burdensome and important than it now is. The salary must be adequate to attract citizens to serve without personal sacrifice, and to provide a reasonable standard of living commensurate with the importance of the position and task to be performed.

Of the various methods for setting salaries, that which is most applicable for determining the salary for Supervisors is to relate it to a salary or salaries paid other governmental officials. The Committee believes that the salary of the County Supervisors should be related to that of Superior Court Judge in Alameda County. The salary of a Superior Court Judge provides a decent standard of living, appears adequate to recruit and retain able citizens and leaders, and has a reasonable relationship to salaries paid other similar levels of county governmental officials. Relating the compensation of the members of the Board of Supervisors to the Superior Court Judges, as in Los Angeles County, would insure an objective salary review by the State Legislature and appropriate salary adjustments in light of prevalent cost of living fluctuations. (Refer to Appendix pages 94 and 254.)

The Committee recommends further study of Section 4 as it relates to matters other than salary. (Refer to Page 77.)

- SECTION 5: Previously repealed.

- SECTIONS 6 & 7: No change recommended. Committee recommends further study; refer to page 77 for discussion.
- SECTION 8: No change recommended. Committee recommends further study; refer to page 78 for discussion.
- SECTION 9: No change recommended.
- SECTION 10: No change recommended. Committee recommends further study; refer to page 78 for discussion.

GENERAL POWERS OF THE BOARD OF SUPERVISORS

- SECTION 11: No change recommended.
- SECTION 12: Recommended changes in subsections as shown below.

DUTIES OF THE BOARD OF SUPERVISORS

- SUBSECTION 12(a): AMEND to read in essence:

To appoint, suspend or remove officers or employees, boards, and commissions, the power of whose appointment is not vested in others by this Charter.

Committee Vote: Seventeen members voted for approval, and one member voted for rejection of the above recommendation.

Summary of Reasons for Recommendation: This provision would avoid conflict between the existing Subsection 12(a) and other sections which now or may in the future specify appointment of any department head, county employee, board or commission by an appointing authority other than the Board of Supervisors. (Refer to Appendix pages 73 and 211.)

- SUBSECTION 12(b): AMEND to read in essence:

To provide, by ordinance, for the compensation of elective and appointive officers, unless such compensation is otherwise fixed by this Charter.

Committee Vote: The above recommendation was approved by unanimous vote.

Duties of the Board of Supervisors (Continued)

Summary of Reasons for Recommendation: The above section, as recommended, would delete the existing language pertaining to the compensation of deputies, clerks, attaches, and employees, since their compensation would be covered by the recommended provisions of Subsection 12(d). Existing provisions prohibiting the Board of Supervisors from increasing or decreasing the compensation of elective officers during their terms of office were deleted, so as to pave the way for the County to take advantage, on behalf of its elective officers, of any future state legislation which recognizes annual salary adjustments based on the fluctuations in the cost of living index. (Refer to Appendix pages 73 and 211.)

- SUBSECTION 12(c): DELETE from the Charter.

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The District Attorney's office has suggested that the existing section, which deals with Justices of the Peace and Constables, is unnecessary and may be deleted from the Charter. (Refer to Appendix pages 74 and 211.)

- SUBSECTION 12(d): AMEND to read in essence:

To provide for the number and compensation of assistants, deputies, clerks, and other persons to be employed in the County Service, subject to the provisions of this Charter.

Committee Vote: The above recommendation was approved by unanimous vote.

Duties of the Board of Supervisors (Continued)

Summary of Reasons for Recommendation: The recommendation consolidates in Subsection 12(d) the authority of the Board of Supervisors to fix the compensation as well as the number of county employees.

The duty to provide for the number and compensation of assistants, deputies, etc., as distinguished from county officers, was deleted from Subsection 12(b) for purposes of brevity and clarification.

The recommended wording of the Section deletes the reference to "several offices," and instead substitutes "county service," which is a more inclusive term. (Refer to Appendix pages 74 and 211.)

- SUBSECTION 12(e): AMEND by the deletion of the following:

" . . . and for the appointment of persons to fill
such offices, boards, and commissions."

Committee Vote: The recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The duty to provide for appointment of offices, boards, and commissions is adequately covered by Subsection 12(a), as recommended for amendment by this committee. (Refer to Appendix pages 74 and 211.)

- SUBSECTIONS 12(f), (g), and (h): No change recommended.
- SUBSECTION 12(i): AMEND to retain only the first portion, which reads:
"To let all contracts for any public work in
accordance with the laws of the State of California."

Duties of the Board of Supervisors (Continued)

Committee Vote: Seventeen committee members voted for approval, and one member voted for rejection of the above Charter amendment.

Summary of Reasons for Recommendation: The Committee does not consider the existing section practicable, and recommends, therefore, that the Charter provide for the use of general law provisions. The latter places a higher limitation, namely \$4,000, on contracts which may be let without bid in counties, such as Alameda County, which employ a purchasing agent. The Committee has intentionally avoided the inclusion of specific dollar values in the Charter because of the unpredictable fluctuations in the purchasing power of the dollar. (Refer to Appendix pages 74 and 211.)

- SECTION 12 $\frac{1}{4}$: No change recommended.
- SECTION 12 $\frac{1}{2}$: No change recommended.
- SECTION 13: DELETE from the Charter.

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The present Section 13 authorizes the Board of Supervisors to create certain commissions, and to appoint members to serve without compensation. This authorization is included in the recommended provisions of Subsection 12(e), and, therefore, should be deleted from Section 13. (Refer to Appendix page 79.)

ANNUITIES, INSURANCE, AND BENEFITS

- SECTION 14: AMEND to read in essence:

The Board of Supervisors may provide by ordinance for the purchase of annuities or insurance for County employees, the basis of which, in whole or in part, may be contributed by the County.

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: This recommended section would eliminate the existing Charter requirement for the approval by a 4/5 vote of the Board of Supervisors and by the electorate, of all ordinances which provide for the purchase of annuities or insurance for County employees. The recommended section continues the authorization for the County to contribute, in whole or in part, the cost of such annuities or insurance.

The Charter Review Committee believes that the existing section is too restrictive and thereby prevents the Board of Supervisors from initiating insurance programs mutually beneficial for the County and its employees. Many insurance programs, such as health plans, were unknown when the Charter was adopted. Nonetheless, they are fully accepted today as integral parts of the total compensation and career service aspects of employment. Therefore, the Board of Supervisors should have a free hand to consider prevailing practices, to relate such benefits to other fringe benefits and to salaries, and to make such adjustments as required.

Annuities, Insurance, and Benefits (Continued)

The existing practice is discriminatory and inconsistent with the general practice in both government and private industry. (Refer to Appendix pages 71, 97.1, and 210.)

- SECTION 14 $\frac{1}{2}$: DELETE from the Charter when there are no employees adversely affected thereby.

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The District Attorney's office has indicated that the existing section, which provides for disability and death benefits under a superseded retirement plan, is obsolete. Therefore, the Committee recommends that the section be deleted from the Charter at such time as no employees or their dependents would be deprived of benefits which were authorized by this section. (Refer to Appendix pages 72, 77, 97.1, and 210.)

- SECTION 14-3/4: DELETE from the Charter when no employee would be adversely affected thereby.

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The powers granted to the Board of Supervisors by the existing section are also provided by the State constitution and general law. The existing section was created for the purpose of permitting a transition from the previous retirement system to a more favorable retirement system. It is doubtful that the small number of retired employees, who are presently receiving benefits from

Annuities, Insurance, and Benefits (Continued)

the superseded retirement system, would be deprived of any retirement benefits as a result of the repeal of the existing section; however, the wording of the above recommendation is intended as a protection of such persons until a final determination is made by the District Attorney's office. (Refer to Appendix pages 72, 77, 97.1, and 210.)

COUNTY OFFICERS OTHER THAN SUPERVISORS

ELECTIVE OFFICES

• SECTION 15: AMEND to provide for the following elective positions only:

Assessor
Auditor-Controller
County Board of Education, members of
District Attorney
Sheriff

Committee Vote: Sixteen committee members voted for approval and seven members voted to reject the above recommendation.

Summary of Reasons for Recommendation: The Committee's recommendation would add the members of the County Board of Education to the list of elective officers in the Charter, and remove them from the list of appointive officers in Section 17. They are now elected, despite the existing Charter provision, as State law takes precedence in this matter.

The Committee also recommends that the following offices would become appointive and therefore should be deleted from the present list of elective offices:

1. County Clerk-Recorder (Consolidated offices)
2. Treasurer-Tax Collector (Consolidated offices)
3. Superintendent of Schools
4. Surveyor

A review of the history of Alameda County government reveals that neither the state legislature nor the people of the county have hesitated to change the status of the county offices, and to consolidate these offices

Elective Offices (Continued)

when needed and desirable. The people can best guarantee democracy in their local county government by electing only those officials who are involved in the formulation of basic public policy. A fundamental rule for sound government is to elect policy makers and appoint skilled administrators and technicians to carry out the policies. Then, if the voting public does not agree with the policies of the elected officials, or if they object to the way policies are executed, they can hold them accountable at the polls. Historically, the people have not gained the democratic advantages which they sought by electing a large number of county department heads. This is because there are seldom contests for these elective positions, and the incumbents are rarely voted out of office. Thus far, vacancies have occurred only through retirement or death.

Review of election campaigns during recent decades for elective offices indicates a sharp downward trend in the number of contests. In 1934, there were 34 candidates for 11 offices, or an average of 3 or more candidates per office. Since 1942, there have never been more than 17 candidates for 11 offices. Of the four offices we propose to make appointive, none was contested in the last election (1962). The office of Surveyor has been uncontested since 1934; the office of County Clerk has not been contested since 1930; the office of Recorder has been contested 3 times in the last 6 elections; and the office of Treasurer-Tax Collector has been contested once since 1934. Furthermore, each person holding these elective offices was in the first instance appointed by the Board of Supervisors to fill a vacancy in the office. (See Appendix page 209.1.)

Elective Offices (Continued)

Democracy is most successful when the attention of the voters can be focused on the policy making office, so that the incumbents can be held strictly accountable.

Furthermore, the appointment, rather than direct election, of county officials having technical and administrative responsibilities permits the government to operate efficiently, economically, and responsively. Sound business organization has generally shown the impracticability of having the stockholders of a company elect from their ranks the sales manager, production manager, or controller for highly technical positions and expect their company to either operate efficiently or make a profit.

The same principles apply to county government. The offices of Surveyor, Treasurer-Tax Collector, County Clerk-Recorder, and Superintendent of Schools are no less complex nor less technical than many positions in private business. The Counties of Santa Clara, Sacramento, Los Angeles, and San Diego have abandoned the election of most county officials whose duties are administrative, and, in every instance, this change has improved local county government.

The offices proposed to be made appointive rather than elective have several common characteristics. Their duties are administrative, usually within well-defined channels set by constitutional provisions and legislative enactments. Generally, they are custodians of the records required in our civil affairs. Custom as well as law often permits little deviation in the conduct of the office. Finally, some officers have multiple

Elective Offices (Continued)

duties demanding combinations of qualifications seldom encountered in private life, raising the possibility that few candidates for political office would have the necessary qualifications to supervise the offices. (Refer to Appendix pages 50, 105, 111, and 203.)

These administrative characteristics are identified more specifically with reference to the individual offices below:

COUNTY CLERK-RECORDER (Consolidated November 1, 1962)

The County Clerk is responsible for a variety of functions, all prescribed in detail by statutes. He issues marriage licenses, registers corporate and fictitious names, and serves as the custodian of certain official records; he is the Clerk of the Superior Court, receiving, filing, and indexing all pleadings and issuing summonses, subpoenas, writs, etc., on forms and in the manner prescribed by law; he serves as the Clerk of the Board of Supervisors; and he registers all voters and conducts all elections according to the provisions of State law. The Recorder is responsible for recording, filing, reproducing, and indexing documents relating to property and vital statistics. The functions of the office are exactly delineated by law.

The foregoing duties require, for effective performance, a person with thorough knowledge and experience in modern office procedures as well as knowledge of and ability to follow numerous statutes prescribing his duties. Los Angeles, Sacramento, and Santa Clara Counties appoint the County Clerk-Recorder.

Elective Offices (Continued)

TREASURER-TAX COLLECTOR (Consolidated in 1958)

The office of Tax Collector is responsible for collecting and distributing taxes to various governmental units, including cities and special districts; for the preparation of delinquent rolls and reports to the State Controller on tax sales; and for conducting all sales of tax-deeded properties. The office has no responsibility for determining the tax rate which is a product of the assessed value as determined by the Assessor and the budget of expenditures as determined by the Board of Supervisors.

The Treasurer is responsible for the custody of all county funds; he pays all warrants issued by the county; he is charged with the safe and profitable investment of certain inactive funds, and represents the State Controller in the enforcement of the Inheritance Tax Law.

The combined office requires a knowledge of collection techniques, office management, accounting procedures, as well as integrity in the handling of large sums. In addition, the office requires a knowledge of and experience in investments.

The Counties of Los Angeles, Sacramento, and Santa Clara appoint the Treasurer-Tax Collector.

SUPERINTENDENT OF SCHOOLS

A full discussion of the reasons for recommending that this office be made appointive is printed on page 39 under the separate topic of Superintendent of Schools.

Elective Officer (Continued)

SURVEYOR

The office of Surveyor is recommended to be made appointive, thereby permitting the incorporation of this office with the Public Works Department, which accomplishes similar and related tasks. Additional information regarding both the Surveyor and the Public Works Department may be found on page 33, which recommends a consolidated Public Works Department.

- SECTION 16: No change recommended.

APPOINTMENT OF OFFICERS AND COMMISSIONS BY
THE BOARD OF SUPERVISORS

- SECTION 16 $\frac{1}{2}$: ADD this new section to the Charter which would require the Board of Supervisors to provide for the appointment of the following offices and commissions:

Civil Service Commission
County Manager
Medical Institutions Commission
Mental Health Advisory Board
Planning Commission
Welfare Commission

and, in addition, such advisory, quasi-judicial, or policy-making commissions as may be established by law.

Committee Vote: Fourteen members voted for approval and five members voted for rejection of the above recommendation.

Summary of Reasons for Recommendation: This recommendation would add the County Manager, Planning Commission, Mental Health Advisory Board, to the list of officers and boards and commissions that would be directly appointed by the Board of Supervisors.

By their exclusion from the above section, the following offices would no longer be directly filled by appointment by the Board of Supervisors:

Agricultural Commissioner	Health Officer
Coroner-Public Administrator	Medical Director
County Clerk-Recorder	Public Defender
County Librarian	Purchasing Agent
Planning Director	Sealer of Weights and Measures
Director of Public Works	Surveyor
Fire Warden	Treasurer-Tax Collector
Fish and Game Warden	Welfare Director

Appointment of Officers and Commissions
by the Board of Supervisors (Continued)

The Board of Supervisors, however, would have the power to confirm the appointment of all the above officers.

The Board of Supervisors should set basic policy for the operation of the various County departments. The above section would reinforce this position by authorizing the Board of Supervisors to make appointments to policy-making boards and commissions and the office of County Manager. The Board of Supervisors could more effectively set policy if the administrative matters of the county were left to a capable County Manager, who would be directly responsible to the Board of Supervisors for any deviation from its basic policy. (Refer to Appendix pages 50, 64, and 204.)

OFFICE OF COUNTY MANAGER

The recommended sections below would be placed wherever appropriate between Sections 15 and 31 of the Charter.

- ADD A NEW SECTION that shall provide for a County Manager.

Committee Vote: Fourteen members voted for approval of the above recommendation and four members voted for rejection.

Summary of Reasons for Recommendation: This recommendation would change the existing title of "County Administrator" to "County Manager" and would provide for the inclusion of this important county office in the Charter. The change of title would imply more authority and responsibility than officially given to the existing office of County Administrator. (Refer to Appendix pages 56 and 197.)

The functions of government have become increasingly complex over the years because of the growth in population, technology, and scope of governmental services. This transformation is emphatically symbolized by the huge and intricate automated data processing center in the new Administration Building. The need for good professional management practices is infinitely more necessary today than 50 or 100 years ago. California counties have recognized this need and have acted to reorganize themselves to provide responsible and efficient professional management. Forty of the fifty-eight counties now have some form of the County Manager-County Administrative Officer plan, whereas in 1945, only two counties had

Office of County Manager (Continued)

administrative officers. Within the last eight years alone, twenty-three counties have adopted this plan. Clearly, boards of supervisors have sought the increased efficiency and economy that professional management can bring to county government.

In view of the increasing importance of professional management to a rapidly growing county such as ours, we recommend that the office of County Manager be included in the Charter. While this office would be a continuation of the present office of County Administrator, the title change is proposed in order to distinguish between the administrative officer, traditionally created by ordinance as an agent of the Board, and the office of County Executive or County Manager, created by Charter provision and vested with considerably more authority and responsibility.

Santa Clara, Sacramento, and San Mateo Counties presently denote the administrative office in their charters as "County Executive" or "County Manager." The measure of authority and responsibility vested in this office by these three counties, is analogous to the city manager form of government which has been adopted by over 1200 cities, and does in fact represent the County Manager concept as contemplated for Alameda County by this Committee.

We recommend that the County Manager be appointed by the Board of Supervisors from the unclassified service, so that the Board will be given the widest possible latitude in selecting the best man for the position. He would remain directly accountable to the Board, and subject to

Office of County Manager (Continued)

dismissal with cause stated by a majority vote of the Board, or by a 4/5 vote of the Board without such statement. As the elected policy making representatives of the people, the Board should be free of undue restrictions in the selection, retention, or dismissal of the County Manager.

In order to allow the Board to make the best possible use of the Manager, his specific duties listed in the Charter have been kept to a minimum; they include only the permanent, major functions of the office. Other duties and responsibilities can be dealt with in the administrative code, by ordinance, resolution, or order of the Board.

The most important authority of the County Manager recommended for inclusion in the Charter, is the appointment of department heads. It is an administrative function, and hence should be his responsibility. The administrators of large counties are considerably handicapped without the authority to appoint and dismiss department heads, such as is given County Managers. Powers of persuasion and good will are not enough to insure the efficient administration of any large governmental or industrial unit. Inasmuch as all appointive department heads are in the classified service, they would be selected in accordance with Civil Service regulations. However, appointment and dismissal of department heads by the County Manager should be subject to approval of the Board of Supervisors. The San Mateo County charter provides for Board of Supervisors' approval, whereas the Santa Clara County charter does not. We feel

Office of County Manager (Continued)

it is the prerogative of the Board, as elected representatives of the people, to confirm department head appointments and dismissals, and have so recommended.

Apparently, there is some confusion under our present Charter as to who is responsible for the appointment of employees to departments not listed in the Charter. Presently, all these administrative appointments are made by the Board of Supervisors. We recommend that this administrative function be placed in the hands of the County Manager, department heads, county officers, and persons in charge of institutions and agencies.

We do not see any danger that citizens would take less interest in their County government if the County Manager system was adopted. The Board of Supervisors would continue to be the elected policy-making body of the County, could become even more responsive to the wishes of the electorate, and could depend upon effective administration to carry out the established policies.

Any tendency of the County Manager to misuse the authority of his office or become dictatorial in the exercise of his authority could bring about prompt correction, reproof, or his dismissal by the Board.

As Chief Justice Charles Evans Hughes wrote, "There is no greater mistake than to withhold power to do well in the fear of ill. There is no adequate power that cannot be abused. But we must endeavor to find a remedy against abuse short of making official and administrative power inadequate."

Office of County Manager (Continued)

Finally, one of the most important advantages of a modern county administrative system, headed by a professional County Manager fully responsible to the Board of Supervisors, is that the Board itself would have more time and energy to determine policy for a rapidly expanding county. (Refer to Appendix pages 56, 60, 103, 196, 213, 215, and 218.)

- ADD A NEW SECTION to the Charter that will provide that the County Manager shall be the chief administrative officer of the County and this office shall be a continuation of the present office of the County Administrator.

Committee Vote: Seventeen members voted for approval of the above recommendation and three members voted for rejection.

Summary of Reasons for Recommendation: This section contemplates that the duties and responsibilities of the existing office of County Administrator would be incorporated into the office of County Manager. (Refer to Appendix pages 60 and 197.)

- ADD A NEW SECTION which will provide, essentially, that:

The County Manager, who shall be chosen on the basis of his executive and administrative abilities, shall be appointed by the Board of Supervisors. He shall be in the unclassified service and shall serve at the pleasure of the Board. A majority of the Board shall be necessary to remove the County Manager with cause stated or four-fifths vote without such statement.

Office of County Manager (Continued)

Committee Vote: Fifteen members voted for approval of the above recommendation, four members voted for rejection, and one member abstained from voting.

Summary of Reasons for Recommendation: The recommendation provides for the selection and appointment of the County Manager by the Board of Supervisors. The inclusion of the office of County Manager in the unclassified service and the liberal provisions for removal from office guarantee that the County Manager would be held directly accountable to the Board of Supervisors for any deviation from Board policy or directives. He would be without recourse to existing Civil Service regulations regarding removal from office. (Refer to Appendix pages 61 and 197.)

- ADD A NEW SECTION to the Charter which will require the County Manager to maintain residence within the County of Alameda during his tenure of office and not to engage in any other business or occupation.

Committee Vote: Seventeen members voted for approval, two voted to oppose and one member abstained from voting.

Summary of Reasons for Recommendation: The committee recommends the above section in order to avoid any possible conflict of interest, to insure that the office of County Manager will be considered a full-time position, and to require the Manager to establish residence in the County after appointment. (Refer to Appendix pages 62 and 197.)

Office of County Manager (Continued)

- ADD A NEW SECTION which will provide that the first County Manager under this Charter amendment shall be appointed by the Board of Supervisors within one hundred and twenty days after its approval by the legislature.

Committee Vote: Seventeen members in favor, two members opposed, and one member abstained.

Summary of Reasons for Recommendation: The proposal fixes a reasonable time for selection and appointment of the first County Manager. The Board could also use the time between ratification of Charter amendments and the date of their approval by the legislature to recruit candidates for the position. (Refer to Appendix pages 62 and 197.)

- ADD A NEW SECTION which will require the County Manager to be responsible to the Board of Supervisors for the administration of such of the affairs of the County as are or hereafter may be placed in his charge, according to the provisions of this Charter, or by general law, or by any ordinance, resolution or order of the Board of Supervisors.

Committee Vote: Seventeen members voted for approval, two members voted for rejection, and one member abstained from voting.

Summary of Reasons for Recommendation: The above section would make the total administrative function of the County Manager responsive to the directives and policies of the Board of Supervisors. The section further

Office of County Manager (Continued)

authorizes the assignment by the Board of Supervisors to the office of County Manager of additional duties and responsibilities, other than those specifically stated in the Charter. (Refer to Appendix pages 62 and 197.)

- ADD A NEW SECTION to the Charter with requirements similar to the following:

Without limiting the foregoing general grant of powers, responsibilities and duties, the County Manager shall be required to:

- (a) Prepare an administrative code and submit it to the Board of Supervisors for approval by the Board after normal hearings.
- (b) Supervise and direct the preparation of the annual budget of the County for the Board of Supervisors and be responsible for its administration after adoption.
- (c) Annually formulate and present to the Board of Supervisors programs for the future growth and development of the County and for the expansion of public works and services made necessary thereby. Such programs shall include a long-term plan of capital improvements.
- (d) Recommend, for consideration by the Board of Supervisors, such measures and ordinances concerning the affairs of the County as may to him seem necessary or expedient.

Office of County Manager (Continued)

Committee Vote: Fifteen members voted for approval, three members voted for rejection, and two members abstained from voting.

Summary of Reasons for Recommendation: The intent of the above section is to state a minimum level of duties and responsibilities which are necessarily permanent and major functions of the office of County Manager. The committee further believes that the provisions of Item (c) above are vital to the best interests of the County and should be included in the Charter to remind the County Manager and the Board of Supervisors of their continuing responsibilities for the formulation of programs and plans for future growth of the County. The provisions of this section do not preclude assignment of further duties and responsibilities by the Board of Supervisors. The previous recommendation would specifically authorize such additional duties. (Refer to Appendix pages 63 and 197.)

• SECTION 17: AMEND to read in essence:

The County Manager shall appoint, suspend or remove, subject to approval by the Board of Supervisors and to the Civil Service provisions of this Charter, all officers and department heads of the County, except elective officers under this Charter and those department heads and officers whose power of appointment is vested in this Charter in the Board of Supervisors or in other boards or commissions or otherwise vested by this Charter.

Office of County Manager (Continued)

Agricultural Commissioner	Medical Director
Coroner-Public Administrator	Planning Director
County Clerk-Recorder	Public Defender
County Librarian	Purchasing Agent
Director of Public Works	Sealer of Weights and Measures
Fish and Game Warden	Surveyor
Fire Warden	Treasurer-Tax Collector
Health Officer	Welfare Director
License Collector	

The Tax Collector shall be ex officio License Collector.

Committee Vote: Fifteen members voted for approval, two members voted for rejection, and three members abstained from voting on the above section.

Summary of Reasons for Recommendation: The above section provides authority for the County Manager to appoint, subject to approval by the Board of Supervisors, certain department heads. The authority of appointment by the County Manager would appropriately place this important and responsible administrative position in the direct line of authority originating with the Board of Supervisors and extending to the least significant County employee. The office of County Manager would be placed in an ineffectual administrative position if excluded from this direct line of authority. (Refer to Appendix pages 64, 89, and 198.)

- ADD A NEW SECTION to the Charter which would read in essence:

Should a vacancy or temporary absence occur in the office of the County Manager, the Board of Supervisors shall immediately appoint an acting County Manager.

The person so designated shall have and exercise all

Office of County Manager (Continued)

the powers and duties of the County Manager.

Committee Vote: Fifteen members voted for approval of the above provision, two members were opposed and one member abstained from voting.

Summary of Reasons for Recommendation: This provision would prevent the office of County Manager from remaining unoccupied for a prolonged period of time. The County should not be deprived of the services and responsibilities of an administrator, even on a temporary basis. (Refer to Appendix pages 66, 70, 198, and 219.)

- ADD A NEW SECTION to the Charter which would provide in essence:

No member or members of the Board of Supervisors shall directly or indirectly coerce or attempt to coerce the County Manager or any other County officer appointed or confirmed by the Board in the performance of the duties of his office, or attempt to exact any promises from any candidate for any such office relative to any appointment or removal of any County officer or employee.

Committee Vote: Sixteen members voted for approval, two members voted to oppose and one member abstained from voting on the above recommendation.

Summary of Reasons for Recommendation: The above provision is to establish a logical and orderly relationship between the Board, the Manager, and the department heads. It restricts the Board of Supervisors, on an

Office of County Manager (Continued)

individual or group basis, from interfering in specific or routine administrative matters which are clearly within the responsibilities or duties assigned to the County Manager or other county officers. The provisions would not prevent the Board of Supervisors from holding the County Manager or other county officers responsible for their general efficiency or effectiveness in executing or enforcing the policy of the Board. Similar provisions are contained in other County Charters in California. (Refer to Appendix pages 67 and 213.)

- ADD A NEW SECTION which would read in essence:

Subject to the provisions of this Charter, county officers and department heads and persons in charge of county institutions or agencies shall have the power to appoint, suspend or remove all assistants, deputies and other persons employed under their respective administration.

Committee Vote: Seventeen in favor, two opposed, and one member abstained from voting.

Summary of Reasons for Recommendation: The line of authority to appoint and dismiss is further extended from the Board of Supervisors through the County Manager to include the respective county officers and department heads. The individual county officers and department heads would then have the authority to appoint or remove their own departmental employees subject to the regulations of the Civil Service Commission.

Office of County Manager (Continued)

This authority is commonly possessed by individuals in similar positions of responsibility in private industry. This transfer of responsibility would also free the Board of Supervisors from the bulk of the extensive routine personnel transactions required for each Board agenda. (Refer to Appendix pages 66 and 198.)

CONSOLIDATED PUBLIC WORKS DEPARTMENT

The following set of amendments to the Charter is recommended in order to provide for a consolidated Public Works Department to include the Surveyor and Road Commissioner, and to establish the Director of Public Works as an appointive county officer. The appropriate amendments to Sections 15 and 17 have been incorporated into the previous Committee recommendations for those sections, namely: delete the Surveyor from the list of elective county officers in Section 15, and add the Director of Public Works and Surveyor to the list of appointive county officers enumerated in Section 17. Section 32, which presently ties the functions of Road Commissioner to the Surveyor, should be deleted.

- ADD A NEW SECTION to provide that the Director of Public Works shall have such powers and duties as may be assigned by the Board of Supervisors and to provide a protective clause for the incumbent Surveyor. The latter would read substantially as follows:

The amendment of Sections 15 and 17 of this Charter, to provide that the office of Surveyor shall be appointive, shall not affect the tenure of the Surveyor in office at the time said amendments become effective and said officer shall hold his office until the expiration of the term for which he shall have been elected, provided, however, that should a vacancy sooner occur, a successor shall be appointed pursuant to Section 17.

Consolidated Public Works Department (Continued)

Committee Vote: The above recommendation was approved without a roll call vote.

Summary of Reasons for Recommendation: The purpose of this recommendation is to make it possible for the Board of Supervisors to complete the consolidation of the Public Works Department under an appointive Director of Public Works and achieve the economies which will result from such consolidation. To accomplish this, it is necessary to name the Director of Public Works as an appointive officer in the Charter and to change the office of Surveyor from elective to appointive so that the two may be consolidated. Section 32, which presently ties the duties of Road Commissioner to the Surveyor, is restrictive and unnecessary, and should be deleted so as to allow the Board of Supervisors as much flexibility as possible to alter the structure and organization of the Public Works Department to meet the requirements of future situations. The basic management and control of the county road system is vested in the Board of Supervisors by state law.

The functions performed by the Surveyor-Road Commissioner and the Director of Public Works are similar and interrelated. The consolidation of the two offices would insure cooperation of personnel presently employed in the separate departments. Consolidation would also promote greater efficiency. In the first place, the department could be more flexibly organized. Secondly, the increased efficiency would permit a reduction of county personnel. The reduction should be accomplished by attrition.

Consolidated Public Works Department (Continued)

The office of Surveyor should be appointive, since the position requires a high degree of administrative, professional, and technical competence. The Committee believes that the best qualified person is more likely to be obtained by appointment than by election. (Refer to Appendix pages 28, 163, 170, and 248.)

OFFICE OF COUNTY COUNSEL

The Committee recommends that the Board of Supervisors study the need for an office of County Counsel, and if the Board of Supervisors determines that there is such a need, the Charter should be amended as follows:

- ADD A NEW SECTION to the Charter to provide that the County Counsel shall be appointed by the Board of Supervisors and be excluded from the classified Civil Service.

Committee Vote: Fourteen members voted for approval of the above recommendation and one member voted for rejection.

Summary of Reasons for Recommendation: The Board of Supervisors is in the most advantageous position to determine the need for an office of County Counsel. The Board presently receives legal advice concerning County matters from persons assigned this responsibility by and from the District Attorney's office. The Board of Supervisors, therefore, should evaluate any possible advantages to be gained by an office of County Counsel appointed by and serving at the pleasure of the Board of Supervisors. (Refer to Appendix pages 59, 80, and 159.)

- ADD A NEW SECTION to the Charter which would require that a majority of the Board shall be necessary to remove the County Counsel with cause stated or with four-fifths vote without such statement.

Office of County Counsel (Continued)

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: Upon the creation of the office of County Counsel, the above recommendation would authorize the Board of Supervisors to select, retain or dismiss the County Counsel without regard to Civil Service regulations. The removal provisions are intentionally liberal, thereby making the office more directly accountable to the Board of Supervisors. (Refer to Appendix page 81.)

- ADD A NEW SECTION which would read in essence:

Effective upon the date of the appointment of a County Counsel, all assistants, deputies and other employees in the Civil Division of the District Attorney's office and who shall have been such for twelve months immediately prior to such date, shall become assistants, deputies and employees in the classified Civil Service in the office of the County Counsel and shall hold their positions until discharged, reduced, promoted, or transferred in accordance with the provisions of this Charter relating to Civil Service.

Committee Vote: This recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The recommendation would place the employees of the Civil Division of the District Attorney's Office, who are presently unclassified, in the classified service. Another

Office of County Counsel (Continued)

committee recommendation, affecting Subsection 35(b), although wider in scope, proposes Civil Service classification of many of the employees in the District Attorney's office and would accomplish the same end result with respect to such employees in the Civil Division. The blanketing-in provisions recommended here could be incorporated with those recommendations affecting Section 35 and Subsection 35(b). The recommended changes in Section 35 would not affect attorneys in the District Attorney's office; however the Committee recommended that any attorney so transferred be blanketed into the classified service notwithstanding any other provisions of the Charter.

The Committee also recommends the automatic transfer of existing employees in the Civil Division of the District Attorney's office to the office of County Counsel. This automatic transfer would override the existing Civil Service regulations which otherwise require newly-classified employees to qualify for employment by a Civil Service examination. (Refer to Appendix page 82.)

COUNTY SUPERINTENDENT OF SCHOOLS

- ADD A NEW SECTION to the Charter which would provide, in effect:

That the County Superintendent of Schools shall be included in the unclassified Civil Service and be appointed by the County Board of Education to serve at its pleasure, effective upon the end of the tenure of the present incumbent, and be subject to removal by a four-fifths vote of the Board of Education or as provided by general law.

Committee Vote: Fourteen members voted for approval, two members voted for rejection and two members abstained from voting on the above recommendation.

Summary of Reasons for Recommendation: The Constitution of the State of California makes it mandatory upon the Legislature to establish a system of public education, and authorizes the Legislature to establish school districts. Under this constitutional grant of authority, local school districts, with their representative governing boards, have been established as the local operating unit responsible for administering the educational program.

The office of the County Superintendent of Schools is the intermediate agency between the local school district and State educational agencies. It is principally a service arm of the State Department of Education, and a producer of services for the school district. The Legislature,

County Superintendent of Schools (Continued)

recognizing that certain of the Superintendent's activities, such as the approval of courses of study and instructional materials, should be the responsibility of a lay board elected by the people of the area being served, provided, in 1955, for the election of the members of the County Board of Education.

Since the policy-making functions of the County educational program are now located in an elective lay board, there is no longer any necessity for electing the person who is to be charged with carrying out the policy of the board, namely the County Superintendent of Schools. He should be the best qualified school administrator available, possessing the skill and background to administer the programs and policies established either by the State, or by the representatives of the community, the elective Board of Education. He must possess a valid credential as prescribed by statute to suit the particular needs of each county, and issued by the State Board of Education.

The County Board of Education has pointed out that they are the only other county-wide elective board aside from the Board of Supervisors. They feel that there is a conflict in powers and authority under the present arrangement and that they should be allowed to pick the best possible man to represent their program and administer it just as the Board of Supervisors picks the best possible man to represent them as County Administrator.

The incumbent County Superintendent of Schools has indicated that, if the county school board were given fiscal autonomy, as has become a distinct

County Superintendent of Schools (Continued)

possibility by virtue of 1963 enabling legislation, it would be even more desirable for the County Superintendent of Schools to be appointed by that Board. (Refer to Appendix pages 71, 99, 101, 105, 106, 108, 109, 111, 203, and 212.)

PLANNING COMMISSION AND PLANNING DEPARTMENT

• ADD NEW SECTIONS to the Charter which would provide in essence:

1. That the Planning Commission be given Charter status. The Commission should have all the powers and duties provided by general law, by Charter and by ordinance.
2. That the Planning Commission be responsible for the preparation of long-range plans for County development, to be coordinated wherever possible with municipal and regional planning.
3. That the Planning Commission be appointed by the Board of Supervisors as follows: One member from each supervisorial district and the remaining members at large.
4. That the Planning Director serve as head of the Planning Department and Secretary to the Planning Commission.

Committee Vote: The above recommendation was approved without a roll call vote.

Summary of Reasons for Recommendation: Planning has become such an integral part of our county government that we believe the Planning Commission

Planning Commission and
Planning Department (Continued)

should be included in the Charter and that the Planning Department should be given the proper departmental status therein. The Planning Commission is in agreement with this view, according to their report to the Board of Supervisors dated January 7, 1963.

In recent years, three chartered counties, Santa Clara, 1951; Fresno, 1954; San Mateo, 1962, have made provision in their charters for a Planning Commission. Two other county charters (San Francisco and Los Angeles) contain references to planning functions or organization.

We have recommended that the duties and responsibilities of the Planning Commission be established by reference to the State Planning Act because we feel this will provide more flexibility than if it is bound by specific charter provisions. The State Planning Act is now being reviewed by a committee of 19, all of whom are experienced in their fields. This committee consists of: the State Planning Director, six planners from the California American Institute of Planners, and two representatives from each of the following categories: Directors of County Road Commissions, County Counsels, County Planners, City Public Works Directors, City Attorneys, and City Planners. They are to prepare the draft of a new planning act for approval by 1964. The approved draft is to be introduced to the State Legislature in 1965. We believe that, with the revision and modernization of our State Planning Act, the Planning Commission will be better able to coordinate county planning with municipal, regional and state planning if they are not restricted by charter provisions.

Planning Commission and
Planning Department (Continued)

We recommend that one planning commissioner be appointed from each supervisorial district, thereby giving representation to all parts of the County. We recommend that any additional members be selected at large so that the Board of Supervisors may use its discretion in appointing citizens to meet the special needs of the county.

At the present time, the Planning Director is appointed by the Planning Commission. We recommend that the Planning Director be appointed by the County Manager subject to the approval of the Board of Supervisors and that this provision be included in the Charter. This recommendation has been incorporated with our recommendations affecting Section 17. (Refer to Appendix pages 23, 64, 98, and 190.)

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- SECTION 17.2: DELETE from the Charter.

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The District Attorney's office recommends deletion. The existing section refers to a nonexistent section. (Refer to Appendix page 88.)

- SECTION 18: AMEND to read in essence:

The members of the Juvenile Justice Commission and the Probation Officer, and the Members of the Board of Law Library Trustees shall be appointed in the manner and for the terms now or hereafter provided by general law.

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The above section, as recommended, replaces the words "Probation Committee" with the new title, "Juvenile Justice Commission" as changed by State legislation in 1961. The District Attorney's office recommends the above change in wording. (Refer to Appendix page 89.)

- SECTION 19: No change recommended.

- SECTION 20: No change recommended.

TOWNSHIP OFFICERS

- SECTIONS 21, 22, 23, and 24: DELETE from the Charter.

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The District Attorney's office has determined that the above sections relating to township officers are superfluous and should be deleted from the Charter. (Refer to Appendix page 89.)

DUTIES OF OFFICERS

- SECTION 25: No change recommended. However, the section would be affected by the previous recommendation concerning the Office of County Counsel. The Board of Supervisors might determine that the duties of attorney for the Public Administrator should be included among the prescribed duties of the Office of County Counsel.

- SECTION 26: DELETE from the Charter.

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The District Attorney's office has determined that the above section relating to constables is superfluous and recommends deletion of the section from the Charter. (Refer to Appendix page 89.)

- SECTION 27: No change recommended.
- SECTION 28: No change recommended.
- SECTION 29: AMEND by the deletion of the words, "Township Officer."

Committee Vote: The above recommendation was approved by unanimous vote.

Duties of Officers (Continued)

Summary of Reasons for Recommendation: The District Attorney's office has recommended the deletion of the superfluous reference to township officer. (Refer to Appendix page 89.)

- SECTION 30: No change recommended.

ROADS AND HIGHWAYS

- SECTION 31: No change recommended.
- SECTION 32: DELETE from the Charter.

The deletion of this section regarding the duties of the Surveyor would be necessary to permit the consolidation of the Public Works Department, as discussed in an earlier committee recommendation.

CIVIL SERVICE

- SECTION 33: No change recommended.

EXECUTIVE OFFICER OF CIVIL SERVICE COMMISSION AND COMPENSATION OF CIVIL SERVICE COMMISSIONERS

- SECTION 34: AMEND to read in essence:

Each Commissioner shall receive such compensation as the Board of Supervisors may determine. The Commission shall appoint an Executive Officer of the Civil Service Commission, and such other employees as it may deem necessary. The Executive Officer of the Civil Service Commission shall act as secretary.

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The recommended amendment would remove the existing limitation of ten dollars per meeting as compensation for the members of the Civil Service Commission. In the interest of consistency, the Board of Supervisors should set the compensation for the Civil Service Commission as it does for other boards and commissions. Obviously, ten dollars do not equal today what they did in 1927, in terms of purchasing power after taxes.

The Committee again recommends that specific dollar values not be placed in the Charter, but recommends instead that the Board of Supervisors

Civil Service Commission (Continued)

determine the appropriate compensation for members of boards and commissions according to their assigned responsibilities and duties.

There should be a closer relationship between the compensation of the Civil Service Commission and other boards and commissions; the Planning Commissioners, for example, receive \$35.00 per meeting. Even as an honorarium, the compensation of the Civil Service Commission should not be so small as to preclude any but the well-to-do from accepting an appointment to the Commission. (Refer to Appendix pages 40, 120, 127, and 226.)

The other change incorporated in the above section, would eliminate the obsolete title of "Chief Examiner" and substitute the title "Executive Officer of the Civil Service Commission" which is more descriptive of the duties and responsibilities assigned to this office. The Executive Officer would remain an appointee of the Commission, as at present. (Refer to Appendix pages 60, 110, and 128.)

"BLANKETING IN" OF ANY UNCLASSIFIED EMPLOYEE WHOSE POSITION BECOMES CLASSIFIED THROUGH CHARTER AMENDMENT

- SECTION 35: AMEND to incorporate provisions where by any unclassified civil servant whose position becomes classified by Charter amendment, would be blanketed in to the classified service, provided he has one year or more of service. The provisions should allow those employees with less than one year of service to take

Civil Service Commission (Continued)

non-competitive examinations.

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The above amendment would automatically place unclassified civil servants with one year or more of service, whose positions became classified as a result of Charter amendment, into the classified service. This amendment would require those unclassified employees with less than one year of service to qualify for employment by passing a non-competitive examination.

It is the intent of the committee that employees who have performed adequately in an unclassified position for a year or more should not be compelled to take competitive examinations when the positions become classified as a result of Charter amendment. (Refer to Appendix pages 41 and 228.)

- SUBSECTION 35(a): No change recommended.

CLASSIFY CERTAIN POSITIONS IN DISTRICT ATTORNEY'S OFFICE

• SUBSECTION 35(b): AMEND to provide for the transfer of the employees of the District Attorney's office, with the exception of attorneys-at-law and one executive secretary, to the classified service.

Committee Vote: The above section was approved by a unanimous vote.

Summary of Reasons for Recommendation: This recommendation would place the employees of the District Attorney's office, with the exception of the attorneys-at-law and one executive secretary, in the classified service.

In most counties in California employees on the District Attorney's staff are in the classified service. The Committee is of the opinion that the duties and tasks performed by the staff of the District Attorney's office are not essentially different from the duties and tasks performed by many other county employees. There is no reason to exclude such employees from the protection afforded by Civil Service status. (Refer to Appendix pages 41, 129, 160, and 227.)

An automatic "blanketing in" provision for employees classified in this manner is covered by an additional recommendation of this committee, found in the main body of Section 35.

Classification of the employees of the Civil Division of the District Attorney's office would also be accomplished by a separate committee

Positions in District Attorney's Office (Continued)

recommendation concerning the office of County Counsel, and would also affect the existing Subsection 35(b).

CLASSIFICATION OF SHERIFF'S CONFIDENTIAL DEPUTIES

- SUBSECTION 35(c): DELETE from the Charter.

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The Sheriff requested elimination of the authorization for the six confidential deputies in his office, provided by the existing section. It was his opinion that these unclassified positions are no longer necessary and that elimination of this authorization would be in the best interest of Alameda County. The Committee unanimously agrees with the Sheriff's preference that employees be selected and retained in accordance with Civil Service procedures and regulations. (Refer to Appendix pages 41, 129, and 227.)

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- SUBSECTION 35(d): No change recommended.

- SUBSECTIONS 35(e), (f), and (g): DELETE from the Charter.

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: Deletion of the above subsections would eliminate specific mention of the County Board of Education, Law Library Trustees, and the Members of the Civil Service Commission as part of the unclassified service. Members of the County Board of Education are included within the scope of Subsection 35(a) as elective officers. Similarly, members of the Law Library Trustees and the Civil Service Commission are included within the scope of Subsection 35(d) as members of appointive boards and commissions. The Committee recommends elimination of the above subsections from the Charter in the interest of brevity, clarity, and consistency. (Refer to Appendix pages 41, and 228.)

- SUBSECTION 35(h): No change recommended.
- SUBSECTION 35(i): No change recommended. However, the Committee recommends further study. (Refer to page 78.)
- SECTION 36: Changes recommended for subsections of Section 36 as shown.
- SUBSECTION 36(a): No changes recommended.

NOTIFICATION PERIOD FOR PENDING CIVIL SERVICE EXAMINATIONS

- SUBSECTION 36(b): AMEND the last line to read in essence:

Adequate public notice, but not less than 25 days' notice, shall be given of each competitive examination.

Committee Vote: Nineteen members voted for approval and two members voted for rejection of the above recommendation.

Summary of Reasons for Recommendation: The amendment would increase the minimum notification period for Civil Service examinations from 10 days to 25 days.

Ten days' notice does not seem adequate for proper advertisement of Civil Service examinations. Information must be made available not only to civil servants, but also to the public, about positions for which a competitive examination is being given. (Refer to Appendix pages 41, 42, and 230.)

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- SUBSECTION 36(c): No change recommended.
- SUBSECTION 36(d): No change recommended.

SALARY RECOMMENDATIONS BY THE CIVIL SERVICE COMMISSION

• SUBSECTION 36(e): AMEND to read in essence:

To recommend to the Board of Supervisors at least sixty days prior to the end of each fiscal year a rate of pay for each class in the classified civil service which will provide a consistently high level of County service through its employees and in order to develop and maintain a fair and equitable career service. Salary recommendations shall be based upon: (1) prevailing compensation for comparable work and working conditions in private and public employment; (2) internal comparisons both vertically and horizontally in a schematic classification and pay system; (3) recruitment and turnover problems.

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The above amendment would require that the Civil Service Commission consider factors in addition to "prevailing wage" in recommending rates of pay for County employees.

A similar committee recommendation, affecting Section 48, proposes that the same factors also be considered by the Board of Supervisors when setting salaries of county employees. The Committee was concerned over the present Charter's omission of the foregoing important factors that

Salary Recommendations (Continued)

should be considered by the Commission when recommending salaries to the Board of Supervisors. It felt that Commission recommendations should include adjustments in pay rates for related classifications, in order to maintain the established functional and administrative relationships. The recruitment and retention of competent civil servants is a current problem, which is growing in magnitude and seriousness. The Committee feels therefore that the Commission and the Board of Supervisors should consider adjustments of salary rates to induce a sufficient quantity of gifted young people to select government service in Alameda County as a career, in order to fill approximately 1,500 administrative, technical and professional positions required before 1970 because of turnover and normal expansion of county-wide services. (Refer to Appendix pages 42, 118, and 230.)

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- SECTION 37: No change recommended.
- SECTION 38: DELETE from the Charter.

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The District Attorney's office has determined that this section is obsolete and recommends elimination from the Charter. The existing section was originally created to blanket-in all county employees into the classified service.

PREFERENTIAL CREDITS TO VETERANS ON CIVIL
SERVICE EXAMINATIONS

• SECTION 39: AMEND to read in essence:

Any person who has served in the armed forces of the United States during a war or campaign as defined by Section 18973 of the Government Code of the State of California and who has been discharged or released under honorable conditions, who shall become eligible for certification from eligible lists by attaining the passing mark established for the examination shall be given one of the following preferential credits which added to his rating on such examination shall constitute his total rating:

- (a) In entrance examinations: disabled veterans, 10 points; all other veterans, 5 points.
- (b) In promotional examinations: disabled veterans, 3 points; all other veterans, 1 point.

For the purpose of this section, "disabled veteran" means any veteran as defined herein who is currently declared by the United States Veterans Administration to be ten percent or more disabled as a result of his service.

Committee Vote: The above recommendation was approved by unanimous vote.

Preferential Credits to Veterans (Continued)

Summary of Reasons for Recommendation: The above amendment would decrease the preferential credits on promotional examinations for veterans, distinguish between disabled and non-disabled veterans, and increase preferential credits on entrance examinations for disabled veterans.

The Civil Service Commission recommended that no points be given on promotional examinations. Several veterans' groups made proposals to increase preferential points. The Committee recommendation on preferential credits is believed to be acceptable to the parties requesting amendment of the above section.

The wording "armed forces" has been substituted for the present listing of branches of service. Since the present listing does not include the Air Force, the change in reference will not only correct the section, but also allow for future changes in military designations.

The proposed amendment also anticipates the possibility of a change in the definition of veteran for the purpose of tax exemption by substituting a reference to the Government Code in lieu of the Revenue and Taxation Code reference. (Refer to Appendix pages 43, 123, 134, 144, 148, 151, 152, 153, 155, and 232.)

APPEAL BY COUNTY EMPLOYEES FROM DISCIPLINARY ACTION

- SECTION 40: AMEND to provide, in the appropriate sentence, for an increase in the period of time allowed so that any person removed, suspended or reduced in rank or compensation may, within ten working days after presentation to him of the order of removal, suspension or reduction as hereinbefore provided, appeal to the Civil Service Commission from such order.

Committee Vote: This recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: Punitive action is a serious matter which may require considerable reflection by the employee in deciding whether to appeal. Five days would be insufficient time in many cases, to arrive at such a decision. (Refer to Appendix pages 43, 139, and 234.)

POLITICAL ACTIVITIES OF COUNTY EMPLOYEES

• SECTION 41: AMEND to read in essence:

No employee of the County, except elected officials and their Chief Deputies and members of appointive boards and commissions shall campaign for or against candidates for County office or make contributions to such campaign; or campaign for or against any County officer or employee who is a candidate for any elective office, or make contributions to such campaign. No such person shall engage in political activities during his assigned hours of employment in the service of the County, nor make use of County facilities for political purposes. No person shall use authority or political influence to coerce, persuade or promise employment favors in connection with political activities, or to coerce or attempt to coerce any County officer or employee or persons on County eligible lists to support or refrain from supporting any political candidate or party. Any employee violating the provisions of this section shall be removed from office. The Board of Supervisors shall provide for the enforcement of this section through appropriate ordinances.

Political Activities of County Employees (Continued)

Committee Vote: Twenty-three members voted for approval and one member voted for rejection of the above recommendation.

Summary of Reasons for Recommendation: The proposed changes broaden the sphere of political activities in which a classified civil servant may engage. The recommended wording would allow employees to engage in political activities which do not involve county elections or elections in which county officers or employees are campaigning for office. It would, however, prohibit the use of county facilities for political purposes, limit political activities to an employee's off-duty hours, and prohibit coercion or influence being exerted for political purposes. In addition to making mandatory the dismissal of employees who violate the provisions of this section, the section also requires the Board of Supervisors to provide for the enforcement of the section.

The Committee believes that the steady development of the merit system rather than existing prohibitions against political activity, is the principal protection against the return of the "spoils system." The prohibitions necessary to prevent possible abuses need not be blanket, stringent ones. Those embodied in these recommendations are adequate to safeguard the public and the employees. In fact, because of the broad, vague, and questionable terms in the present charter provisions, little attempt has apparently been made to control illicit political activity. A recent lower court decision has held the present charter provisions to be unconstitutional. The complete removal as participants in the political arena of a vast number of public employees, often better informed

Political Activities of County Employees (Continued)

than the average participant, has serious undesirable effects on our society.

The State Civil Service places no restrictions on what employees may do politically on their own time, and general law which governs non-charter counties is very permissive on the matter. A Citizens' Charter Study Commission in Los Angeles County recommended relaxation of restrictions on political activity (although such amendment was voted down by the citizens) and the voters in San Diego County recently approved the liberalization of their previously restrictive charter provision. (Refer to Appendix pages 44, 47, 103, 124, 136, 161, 234, and 240.)

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- SECTION 42: No change recommended.
- SECTION 43: No change recommended.

ANTI-DISCRIMINATION IN COUNTY EMPLOYMENT

• SECTION 44: AMEND to read in essence:

No person in the classified Civil Service or seeking admission thereto, shall be appointed, reduced or removed, or in any way favored or discriminated against because of his race or national origin or political or religious opinions or affiliations.

Nothing in this section shall be construed to protect any person who advocates the overthrow of the United States government by unconstitutional means.

Committee Vote: This recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The anti-discrimination section of the Charter would be strengthened by the addition of the words "race or national origin," thereby forbidding discrimination in the Civil Service on these grounds. The Committee also recommends the inclusion of a provision to preclude any possibility that the section might be construed as protecting persons advocating the overthrow of the government. (Refer to Appendix pages 44, and 236.)

REDUNDANT SECTION RELATIVE TO CIVIL SERVICE

- SECTION 45: DELETE from the Charter.

Committee Vote: The committee approved the above recommendation by unanimous vote.

Summary of Reasons for Recommendation: Section 45 was inserted to insure the operation of a Civil Service system by ordinance if any of the Charter provisions relating to Civil Service were held unconstitutional. This assurance was apparently included because of some doubt or apprehension at the time of framing the original Charter as to the legality of providing for a Civil Service system therein. Because such doubts have been removed, it appears unnecessary to retain the provision.

Section 71 of the Charter provides that if any Section or Subsection of the Charter is held unconstitutional the validity of the other sections shall not be affected. Not only does this approach seem to be more appropriate, but in the opinion of a representative of the District Attorney's office, Section 71 takes precedence over Section 45. (Refer to Appendix pages 44, and 237.)

LABOR

- SECTION 46: No change recommended.
- SECTION 47: No change recommended.

DETERMINATION OF SALARIES

- SECTION 48: AMEND to read in essence:

In fixing compensation, the Board of Supervisors shall in each instance provide a salary or wage for each class in the classified civil service which will provide a consistently high level of county service through its employees and in order to develop and maintain a fair and equitable career service. Salaries shall be based upon: 1) prevailing compensation for comparable work and working conditions in private and public employment; 2) internal comparisons both vertically and horizontally in a schematic classification and pay system; 3) recruitment and turnover problem.

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The existing Section 48 stipulates that salaries shall not be set below the prevailing rate paid for comparable service rendered to private individuals, firms, or corporations.

Determination of Salaries (Continued)

The recommendation recognizes that the factors to be considered in the setting of salaries, are much broader than simply "prevailing rates," and include such considerations as recruitment, retention of personnel, and internal comparisons and relationships among jobs.

The proposed amendment would bring the salary setting procedure of the Board of Supervisors into conformity with that procedure proposed for the Civil Service Commission, in Subsection 36(e) of this report, for developing its salary recommendations to the Board.

The Board of Supervisors does not now, and cannot be expected to conduct extensive surveys of its own. Furthermore, any charter requirement that that Board set salaries upon bases different from those used by the Civil Service Commission in recommending salaries, would be unrealistic and inconsistent. Under the Committee's recommendation, the Board of Supervisors would set salaries using exactly the same factors as are considered by the Civil Service Commission in arriving at its recommendations. (Refer to Appendix pages 44, and 238.)

BUDGET

- SECTION 49: No change recommended. However, if the Office of County Manager is created, the reference to Auditor must be changed.
- SECTION 50: No change recommended. (Refer to comments under Section 49.)
- SUBSECTIONS 50(a), (b), (c), and (d): No change recommended.
- SECTION 51: No change recommended. (Refer to comments under Section 49.)
- SECTION 52: No change recommended.
- SECTION 53: No change recommended.
- SECTION 54: No change recommended.
- SECTION 55: No change recommended.
- SECTION 56: No change recommended.
- SECTION 57: No change recommended.

ANNUAL AUDIT OF ACCOUNTS

- SECTION 58: AMEND by the deletion of the words, "Township Officer."

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The District Attorney's office has recommended the deletion of the superfluous reference to township officer.

APPRAISAL OF PROPERTY

- SECTION 59: Previously repealed.

MUNICIPAL FUNCTIONS

- SECTION 60: No change recommended.
- SECTION 61: No change recommended.

RECALL

- SECTION 62: AMEND to read in essence:

The holder of any elective County office may be recalled in the manner provided by law, by the electors, at any time after he has held office six months.

Committee Vote: The above recommendation was approved without a roll call vote.

Summary of Reasons for Recommendation: Section 62 of the Charter provides for the removal of both elective and appointive county officers by recall. By contrast, general law provides that only elective officers are subject to recall, and that the removal of such officers may also result, without recall, from such specific causes as insanity and conviction of a felony. The courts have held that where a charter has made provision for an exclusive method of removal, as is the recall procedure in Alameda County, such method shall control over any conflicting general law.

It might be added that there is a difference between the recall procedure in the Charter and that in the Elections Code. Under the Charter the petition must be signed by at least 15% of the electors of the County voting for candidates for the Governor at the preceding general election, or 25% of the electors voting if the officer is elected from a district

Recall (Continued)

or township. Section 27202 of the Elections Code provides for the recall petition to be signed by voters equal in number to 20% of the votes cast for all candidates for the office held by the incumbent whose removal is sought.

The Charter provides, further, that before a petition may be filed for the removal of an officer in the classified Civil Service, a complaint must be considered and acted upon by the Civil Service Commission. General law does not apply to appointed officers and no provision is made for a complaint being filed with Civil Service in regard to any officer covered by general law recall provisions. (Refer to Appendix pages 30, and 249.)

This amendment is recommended because it is believed, first, that the recall procedure under general law will be easier than under the Charter, and secondly, that appointive officers should not be removed by recall procedure as there is adequate provision for their removal without the delay and cost of recall.

MISCELLANEOUS

- SECTION 63: AMEND by the deletion of the words "Township Officer."

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The District Attorney's office has recommended the deletion of the superfluous reference to "Township Officer."

- SECTION 64: Previously repealed.
- SECTION 65: No change recommended.
- SECTION 66: No change recommended.
- SECTION 67: No change recommended.
- SECTION 68: No change recommended.
- SECTION 69: No change recommended.
- SECTION 70: DELETE from the Charter.

Committee Vote: The above recommendation was approved by unanimous vote.

Summary of Reasons for Recommendation: The District Attorney's office has determined that the existing section re justices of the peace is superfluous and recommends deletion from the Charter.

Miscellaneous (Continued)

- SECTION 71: No change recommended.
- SECTION 72: No change recommended.

SECTIONS RECOMMENDED FOR FUTURE STUDY

Certain sections of the Charter appear to the Committee to require further study. Time did not permit conclusions to be reached on the issues in question. The sections involved are the following:

SECTION 4: NUMBER OF SUPERVISORS

Possible advantages of increasing the Board's size were reviewed by one of the subcommittees. Arguments advanced by witnesses and committee members were that a seven-man board would permit better representation for the people; would permit a more logical geographical arrangement of supervisorial districts; would reduce the problems created by absenteeism, which sometimes prevents the transaction of county business, and often placed major decisions in the hands of only three Supervisors.

SECTIONS 6 and 7: SUPERVISORIAL DISTRICT BOUNDARIES

Although our Charter sets forth criteria for fixing the boundaries of supervisorial districts, we feel that further consideration should be given to the means of insuring the implementation of Charter intent, as well as the intent of the Courts, in providing a fair and equitable system of districting. This holds true whether the County continues with a five-man Board or should, at some time in the future, enlarge it to seven members. The committee took note of the fact that both the establishment and the adjustment of district boundaries has perhaps been largely preempted by recent state and federal court decisions.

Sections Recommended for Future Study (Continued)

SECTION 8: VACANCIES ON THE BOARD

The question has been raised as to the best method for filling a vacancy on the Board which occurs prior to the completion of a term of office. It has been argued that the present procedure of appointment by the Governor gives a strong partisan-political flavor which is not otherwise a part of the supervisorial election system. We suggest that particular consideration be given to the filling of such vacancies by special election.

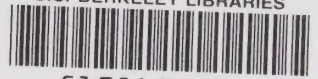
SECTION 10: VICE-CHAIRMAN OF THE BOARD

Section 10 of the Charter, which provides for the appointment of a Vice-Chairman pro tem for each session at which the Chairman is absent, is apparently not being followed by the Board. Perhaps the Charter should be brought into line with practice, or practice into line with the Charter.

SECTION 35(1): DISTRICT OFFICES AND ADMINISTRATIVE ASSISTANTS FOR MEMBERS OF THE BOARD

The rapid growth of population, increases the burden of individual members of the Board in keeping close contact with their constituents. Other California counties have tried to meet this problem by providing district offices for Board members and administrative assistants to handle more routine matters and funnel information and problems to the respective Board members.

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